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Attorneys for Third Parties
ALIGNED DATA CENTERS, LLC and
ALIGNED ENERGY HOLDINGS, LP

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

SWITCH, LTD., a Nevada limited liability
company,

Plaintiff,

vs.

STEPHEN FAIRFAX; MTECHNOLOGY;
and DOES 1 through 10; ROE ENTITIES 11
through 20, inclusive,

Defendants.

Case No. 2:17-cv-02651-GMN-EJY

**DECLARATION OF DAVID W.
ROBINSON IN SUPPORT OF MOTION
FOR PROTECTIVE ORDER BY ALIGNED
DATA CENTERS, LLC AND ALIGNED
ENERGY HOLDINGS, LP REGARDING
SUBPOENA FOR DEPOSITION OF
JAKOB CARNEMARK**

1 I, David W. Robinson, declare as follows:

2 1. I am the General Counsel & Executive Vice President of Strategic Development at
3 Aligned Data Centers LLC and its affiliated companies (“Aligned”). I have personal knowledge of
4 the facts stated herein, and I make this declaration in support of Aligned Data Centers, LLC and
5 Aligned Energy Holdings, LP’s Motion for Protective Order Regarding Subpoena for Deposition of
6 Jakob Carnemark (the “Motion”).

7 2. Aligned provides data center infrastructure technology and operates data centers in
8 various locations in the country.

9 3. Jakob Carnemark is a co-founder and former Chief Executive Officer of Aligned. He
10 served as CEO from its founding in 2013 until September 2017 and then served as the Chief
11 Technology Officer until January 2019. Mr. Carnemark has been on the Board of Directors since
12 Aligned’s inception.

13 4. In Mr. Carnemark’s various roles, he has had wide-ranging access to Aligned’s most
14 confidential and sensitive business information and trade secrets. This includes access to Aligned’s
15 confidential competitively sensitive information such as pricing information, intellectual property
16 strategies, confidential information concerning its current and prospective customer relationships, and
17 confidential information concerning the technical design and operation of its data centers, among
18 other things.

19 5. Plaintiff Switch Ltd. is a direct competitor of Aligned in the data center industry and
20 competes with Aligned in areas such as customer acquisition, strategic expansions, and the
21 development of technical intellectual property related to the design and operations of data centers.

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6. To the extent that Aligned's confidential information and trade secrets concerning the matters within Mr. Carnemark's knowledge were disclosed to Switch and/or competitive decisionmakers at Switch, it could be used to directly harm Aligned's competitive interests and to give Switch an unfair advantage in competitive matters.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge.

Executed this 16th day of September, 2020 in New Jersey.

/s/ David W. Robinson
DAVID W. ROBINSON